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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

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9 Joel Ball,

10 Defendant,

11 v.

12 The State of Arizona, (Scottsdale City),
13 the real party of interest; the Honorable
14 Julia LaFave, Commissioner of Maricopa
15 County Superior Lower Court of Appeals,
16 Plaintiff.

No. CR-25-00114-PHX-DGC

ORDER

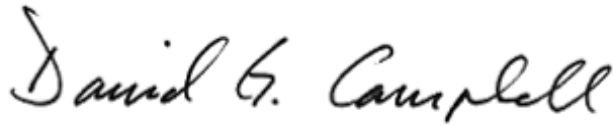
17 Joel Ball attempts to remove his municipal criminal case to this Court. Doc. 1. The
18 Court will remand.

19 A federal court must remand a removed case if it lacks subject matter jurisdiction
20 over the case. *Kelton Arms Condo. Owners Ass’n, Inc. v. Homestead Ins. Co.*, 346 F.3d
21 1190, 1192 (9th Cir. 2003) (“the district court must remand if it lacks jurisdiction”); *see*
22 *also* 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the district
23 court lacks subject matter jurisdiction, the case shall be remanded.”). Mr. Ball states that
24 he was wrongfully convicted of violating Scottsdale City Code § 19-13, and claims various
25 constitutional errors at trial and on appeal to the “Maricopa County Superior Lower Court
26 of Appeals.” Doc. 1. He cites 42 U.S.C. § 1983 as the basis for removal (*id.* at 1), but that
27 statute provides a civil cause of action for certain constitutional violations, not a basis for
28 removing criminal cases to federal court.

1 State criminal cases can be removed in extremely limited circumstances, *see* 28
2 U.S.C. §§ 1442, 1442a, and 1443, none of which appears to apply here. Furthermore, the
3 abstention doctrine in *Younger v. Harris*, 401 U.S. 37 (1971), prevents a federal court in
4 most circumstances from interfering with ongoing state criminal proceedings. *Corona v.*
5 *Ducey*, No. CV-22-00373-PHX-JJT (MHB), 2022 WL 1604125, at *6 (D. Ariz. Apr. 19,
6 2022).

7 **IT IS ORDERED** that pending motions are denied and the Clerk shall remand this
8 case to Scottsdale Municipal Court.

9 Dated this 18th day of February, 2025.

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David G. Campbell
14 Senior United States District Judge
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